

The Sun

SUNDAY, SEPTEMBER 14, 1919.

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elising a despotic overlordship, working in secrecy where openness was most needed, and suppressing the recommendations of his own chosen counselors whenever their minds did not jump with his or their consciences rejected his suggestions.

His Honor's Deft Use of the Latest Epistolary Style.

The epistolary graces of His Honor come to the front often. His people have studied his letters when they contained at least a trace of the flavor of the communications which Judge GAYTON used to utter. But that the Hylin style is not limited to the Gaynesque is indicated in the recent note to the head of the Police Department, Mr. ENRIGHT. We particularly admire His Honor for beginning in that terse, arresting way which puts a whole situation in a nutshell:

"DEAR COMMISSIONER: From time to time bandit gangs in high powered automobiles have made a practice of holding up people in apartments and hotels."

The historic picture is complete. HUME or MACAULAY could not leave a more perfect impression with a page of small type. Every hotel clerk who has had his hands up in the last week will say that this is the relation, in the most condensed form, of a great truth. Having stated the case, the Mayor proceeds to adopt another literary form—the query:

"Would it not be wise at this time to instruct the patrolmen . . . ?"

"May I not suggest to you the advisability . . . ?"

"Might I not say to you in this connection . . . ?"

Folks who do not understand the little niceties of letter writing may say to themselves that it is unnecessary for the Mayor to approach a Commissioner in a may-not attitude.

The charter directing His Honor to be active in causing the law to be executed and enforced; but these are the critics who would destroy the finer things in official intercourse. The broadminded will simply note with admiration that the Mayor is progressive; that he keeps up with the literary times without rushing in advance. In phrase "as fashion, the same rule will hold: alike fantastic if too new or old." The Mayor is not the first by whom the "may I not" is tried, nor yet the last to lay the Gaynor style aside.

Murder Trials as a Lost Diversion.

The recent death of JAMES W. OSBORNE, whose service in the District Attorney's office took up about twenty years of his very active career, must have been a reminder to New Yorkers who have passed their youth that age of the old sources of public interest seems practically to have disappeared. We refer to the trials of mysterious murder cases which came in almost unbroken procession in the '90s and the first two or three years of the present century.

Of course there are still mysterious murders and trials thereof, but the older who used to be sure that he could find diversion by going to a New York court and sitting through a case distinguished not only in the qualities of the crime itself but for the legal struggle among lawyers of keen minds and quick wits—well, perhaps that older goes to the movies now and takes from the screen a weak substitute for the excitement which once came to him directly from the voices, faces and actions of living men and women.

The period in which Mr. OSBORNE had the fortune to play a considerable part was peculiarly an era of dark tragedy and thrilling days in court. In this town the succession ran from the Carlyle Harris case down to the trial of PATRICK for the death of WILLIAM MARSH RICE, with the Molnux case as the greatest of all the sensations; while in other parts of America there were the Borden murder, the Cronin mystery and the trial of BIRCHALL for the killing of BENWELL.

In all these cases there was a combination of interesting features: the mystery of the crime itself, the character of the victim or the accused, the difficulty of detection, the methods of the police and finally the dramatic conflict of prosecutor and defender.

These were the items which drew crowds to court houses. It is true that there were throngs at the Thaw trial, but that was a proceeding far removed from the cases to which we refer; for the Thaw case was a mystery only in that so much scandal could come of it.

One reason why the public is no longer attracted by the purely dramatic aspect of murder trials may be that the practice of the criminal law appears to have lost that fascination which it once held for American lawyers of the most intelligent type.

Some of our best lawyers of the present day are occasionally seen in a criminal court, but it is because they have conscientiously volunteered to defend an impecunious defendant at the request of the Judge. A glance at the cases in which Mr. OSBORNE was concerned, whether in a small rôle or a large one, shows the names, on both sides of the trial, of lawyers distinguished either for really fine ability or remarkable eccentricities.

When CARLYLE W. HARRIS was tried in 1891 for the poisoning of his wife, HELEN POTTS, the People were represented in court by DE LANCEY NICOLL, then District Attorney; FRANCIS L. WELLMAN and JOHN F. MCINTYRE, while the prisoner's counsel included WILLIAM TRAVERS JEROME and WILLIAM F. HOWE. Two years later, when Dr. ROBERT BUCHANAN came to trial for a similar crime, NICOLL, WELLMAN and OSBORNE were the prosecutors, and the suddenly famous Dr. WILLIAM J. O'SULLIVAN, an authority on medi-

cal jurisprudence whose tilts with Professor WITTMANN enlivened the day quite as much as did the clashes between the aggressive Mr. WELLMAN and the poison expert of the defence, Dr. SCHELLE, who was so enraged by Dr. WELLMAN's methods that he spoke of a duel. The legal array in the trial of Dr. MEYER for the poisoning of GUSTAV BAUM was the same as that of the BUCHANAN case, except that LEWIS STUTTEBANT CHANLER was added to the defence.

While the trial of the Guilensuppe case was not on a par dramatically with the poison mysteries of the '90s it attracted much attention, not only through the intricacy and brutality of the crime itself but because of the fighting qualities of the lawyers. MARTIN THORN being defended by WILLIAM F. HOWE and Mrs. NACK by FREDERICK B. HOWE (now the masterful force of speeding motorists) and MANNY FRIEND. The legal victory in that trial lay in the ability to make the woman turn State's evidence faster than her evil partner.

The medical experts gave way temporarily to the handwriting experts—and both classes of scientists were a joy to the court room habitués—in the Dolly Reynolds case; yet there was distinguished enough among the lawyers engaged, what with Mr. MCINTYRE, Mr. OSBORNE and FOMES HENNESSY for the People, and HOUSE, FRIEND and ROBERT M. MOORE for the defendant, Dr. KENNEDY, who went free after his third trial. But in the Molnux case the poison sharps were to return and the professors of chirography to remain. The matter of prosecution and defence was practically confined to Dr. OSBORNE, for the District Attorney's office, and BARTOW S. WEEKS, now a Justice of the Supreme Court, for ROLAND BURNHAM MOLNEX.

It is unlikely that any more terrific legal duel has been seen in an American court in a murder case; not even when former Governor ROBINSON was fighting for LIZZIE BOWEN's life in the court house at Fall River. OSBORNE used every stroke that he had learned under NICOLL, employed every device of his own remarkable cunning, to bring damning evidence before the jury, and pursued to the untiring and relentless methods which made him famous, then and later, as an examiner.

The idle went to the court for drama and OSBORNE gave it to them. "Motive" he cried. "There," pointing to the defendant's wife, "is the motive!" It was worth a day on a hard bench to watch him cleverly try to bring the name of the dead BARNET into the case; and bring it in he did. The fact that the admission of testimony relative to BARNET's death, in a case where MOLNEX was accused only of the death of Mrs. ADAMS, caused the Court of Appeals to set aside the verdict did not detract one whit from the interest aroused by OSBORNE's effort to insert the wedge.

Incidentally, young lawyers who shrink from criminal cases will remember—if the appearance of DANIEL WEBSTER in the White murder trial is not enough—that the argument of the Molnux case before the Court of Appeals was made by lawyers no less distinguished than DAVID B. HILL and JOHN G. MILBURN.

Those were days of somewhat grim pleasure for the retired but not tired business man. In our spacious court rooms the most accomplished murderers of their day appealed to the visitor's eye while his ears took in the eloquent speeches or the keen questionings of acute lawyers. No admission, no war tax, no bother with programmes. The drama changed from day to day, the unexpected happened almost beyond expectancy. The spectator at the Harris trial knew that when that show was finished Dr. BUCHANAN would soon follow. The New Yorker of that day who survives is likely to grumble now that there are no good criminal lawyers, or no first class mysterious murders, or no really expert witnesses—or at least that something is missing, not to say wrong. If he is half an optimist he says that, while murders run on, the police catch the criminals and extract immediate confessions. If he is a pessimist he thinks the murders are still committed but never discovered.

The Goat on the Staircase.

It may be a shock to Larchmont, Greenwich and other fashionable neighbors to learn that goats are kept in Port Chester. It may be a surprise to folks everywhere who have not read "How to Know Nature From Art" to hear that the Sanitary Inspector of Port Chester, Mr. BARTZ, peering into a tenement building for the discharge of his duty, "saw goats mounting the stairs to the second, third and even fourth floors." What amazes us is that Inspector Bartz immediately suggested to the Board of Health of Port Chester that goats be licensed as dogs are.

Will a goat mounting the stairs to its home look better or act better if she has a collar and tag on? We say "she" because we assume that the goat is on its way from the pasture to be milked by its fortunate owner. Instead of a tag the goat should wear a medal for distinguished conduct in the battle against high costs. It saves to its owner, and therefore to the country at large, a fraction of the expense of stabling, feeding and milking a cow, of dues in the dairyman's league, of a railroad haul and of delivery by wagon. It gives to the housewife all the benefits of the cash and carry system without the outlay of cash or the inconvenience of carry.

Once there was a great business man—an efficiency expert—who saw at a glance the follies of the farmer. So he started a model farm of his own and built stalls for cows on the

second floor of the stable as well as on the first. The economy in ground space, he said, would be wonderful; if AGRICOLA had thought of it the saving in eighteen centuries would have been more than a nickel, put to work at compound interest in the neolithic age, would have amounted to Handsome stairs, or perhaps they were ramps, were built to take the cows up to the second floor of the barn. Up they went, willingly, but they never would come down. Even in the madhouse of cubism there is no picture of a cow, nude or otherwise, descending a staircase. Years afterward the efficiency expert, one morning as he was taking a bottle of milk off the dumbwaiter, said to himself: "The idea was all right; it was the cows that were wrong; goats would have been the thing."

Yes, goats are the thing. They revel in the steep. Any goat will ascend or descend any stair without holding on to the banister. A good lively goat will save the carpet by bounding from floor to floor. A well trained goat not only would bring its own milk but could carry on its horns a basket of groceries and the mail. It might even help a tired householder to the fifth floor by a series of great drives. All in all, there is no reason why a goat should be regarded by Inspector Bartz as being on the same footing with a dog. The goat does not bite, although, according to tradition, he is much stronger than the dog.

True Mission To-day of a Practical Deductionist.

We are favored by the receipt from CHARLES A. BOEMER, Practical Deductionist, of an invitation to join him in proving that the earth is not a sphere but a water level earth.

"Why," he asks, "accept the ridiculous claims of a comparatively few visionaries that we are abiding on a globe of land, rock, water and fire that is hurtling through the cold, dark void of the illimitable space at the incredible speed of twenty miles a second, when this motion is indisputably belied by the fixed stars?"

He gives reassurance to less experienced deductionists who may suppose a water level earth to be unsafe. He admits that it is not supported by a giant pedestal, that it is not held in place by any mystical fourth dimension or similar device, and that "this leaves it, apparently, without support." But only apparently:

"It is supported in a substantial manner that cannot be refuted, sustained by incontrovertible facts that conform with the known mechanism and emulations—without departure from that which is actually known but not applied."

Mr. BOEMER's statement that the demonstration of his theory will not involve the stability of the earth is satisfactory to us; the invitation to join him is tempting; but we must decline it. We do not think he is starting his job in the right way.

In these times other matters have a prior claim on the attention of a practical deductionist. Let Mr. BOEMER first settle the high cost of living and the other questions which are bothering people, and he will then find mankind better disposed to believe that the earth and all things on it are on the water level.

This is the 105th birthday of "The Star Spangled Banner," and as it was KIRK's desire to see Old Glory through the battle clouds that lay about Fort McHenry that September dawn it should be ours to see the old emblem bravely through the mists of new ideals.